

**Meeting Notes**

August 24, 2004

Fugitive Dust at Loadouts

Attendees: Mary Ann Wright, Wayne Hedberg, Pamela Grubaugh-Littig, Priscilla Burton, Pete Hess (via telephone).

**Purpose:**

In reviewing Task 1911, the Staff noted that the MRP cites the Air Quality Approval Order (AO) as the fugitive dust control plan under the heading R645-301-423.200. The AO is not enforceable by the Division.

Rule 645-301-423.200 requires that "Surface Mining and Reclamation Activities" having production greater than 1,000,000 Tons/year have a dust control plan written into their MRP that is separate from the AO. Before making a request in the TA for a separate dust control plan that would be enforceable by the Division, the technical staff sought advice on whether:

1. The Wildcat Loadout is defined as a Surface Mining and Reclamation Activity and,
2. The Wildcat Loadout has a production of greater than 1,000,000 Tons coal annually.

**Discussion:**

SMCRA requires a separate fugitive dust control plan for surface activity based on production. Under the R645 Rules, the definition of "Surface Coal Mining and Reclamation Activity" does not include loadouts. The R645 Rules do not consider a loadout as "Surface Coal Mining and Reclamation Activity." The R645 Rules define "Coal Processing Plant."

To request information from the Permittee about support facilities operations and maintenance operations aimed at limiting contributions of sediments to streamflow or runoff outside the permit area, A Division Order could be written, citing R645-301-526.220 through -526.222.

*R645-301-526.220.... "support facilities will be located, maintained, and used in a manner that:*

*R645-301-526.221 "Prevents or controls erosion and siltation, water pollution, and damage to public or private property; and*

*R645-301-526.222 "To the extent possible using the best technology currently available - minimizes damage to fish, wildlife, and related environmental values; and minimizes additional contributions of suspended solids to streamflow or runoff outside the permit area. Any such contributions will not be in excess of limitations of Utah or Federal law."*

The Division should communicate concerns about fugitive dust control with DEQ (reference the MOU with DEQ).

The Division should research the effects of deposition of coal fines on plant growth.

**Action Items:**

Ms. Burton agreed to draft the Division Order and to draft a letter to DAQ notifying them of our concerns about fugitive dust from haul roads and stockpiles and to make note in the Technical Analysis of the MRP revision that the deficiencies would be addressed with a Division Order.